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Sent: Tuesday, August 18, 2015 9:24 AM
To: Oliver, Nicholas@CalRecycle; Markie, Susan@CalRecycle; De Bie, Mark@CalRecycle
Cc: Block, Elliot@CalRecycle; Smithline, Scott@CalRecycle; Neil Edgar
Subject: L & D Landfill - Do not concur with Solid Waste Facility Permit -
Attachments: ADC Study Aug 2013 CalRecycle.pdf

Oliver:

The August 16, 2015 public meeting is the last time to comment until CalRecycle considers concurrence with the SWFP Revision, which Action is needed by September 14, 2015 – the day before the next monthly meeting. This will be my testimony at today's CalRecycle meeting.

The L&D Landfill SWFP should not be concurred with by CalRecycle for the following reasons:

- The JTD-2011 is not correct with actual operations
 - Public review request for JTD-2014 is pending and has not been provided
- The landfill is not operating in accordance with the JTD

JTD is required

- Estimate the range in tons of these materials that are anticipated to be used, based on waste types, applicable cover to waste volume ratios, applicable density conversion factors, engineering specifications, methods to minimize contamination, or other pertinent information.

L&D JTD dated November 2011 – 16.7% of the remaining permitted capacity will be occupied by daily and intermediate cover.

- 16.7% is reasonable – a range of 10% to 20% has been deemed acceptable
- CalRecycle ADC Report of 2014 – 20% to 25% soil cover to waste ratio – which includes all soils (daily, intermediate, and final)
- According to CalRecycle Home Page – copied below
 - From 2008 to 2014 – L&D use 31% to 70% ADC to garbage ratio – averaging 52%, where 16.7% was in the JTD
 - Lost Fees above 16.7% - 145,763 tons total for 7 years, or only 20,823 tons per year. ADC overuse per JTD is 43,473 TPY average, or \$60,000 per year in lost IWMA fees, or \$426,000 over the last 7 year
 - Statewide – based on the CalRecycle data- where ADC exceeds 20% - IWMA lost fees are over \$1 million in 2013

Title 27 - §20690(7) -“Alternative daily cover shall be restricted to quantities no more than necessary to meet the ADC(a)(2) performance requirements...”. Should the CIWMB determine after consulting with the EA that an owner or operator violated this standard, the owner or operator shall revise the applicable reports to reflect the overuse as disposal, and pay the required Board of Equalization (BOE) disposal tipping fees for the amount of overuse. EAs shall not be responsible for making such determinations....

The 2014 ADC Investigation by CalRecycle:

- L&D Landfill was audited
- 70.2% use in 2012 – Of the 67,660 tons that were used od ADC, 4,711 tons were misreported (Ratio would go from 70.2% to 65%)
- “Based on the site inspection and record review, errors in reporting were found, but no indication of overuse was found”
- JTD says 16.& for ADC and intermediate cover, and SWANA has 20% to 25% for all cover, and 65% was “no indication of overuse was found”
- LEA Training was called for;
 - I attended LEA Training and the JTD information on use was reinforced
- CalRecycle Staff said that at 5-Year SWFP and Revision, that is a permit issue, since CalRecycle really did not to do any real policy review

So we have a SWFP Revision with 52% ADC use where 16.7% is in the JTD.

The L&D Landfill SWFP should not be concurred with for the following reasons:

- The JTD-2011 is not correct with actual operations
 - Public review request for JTD-2014 is pending and has not been provided
- The landfill is not operating in accordance with the JTD
- The operator should revise the BOE forms, and pay the BOEs fees for the amount overused.

L&D ADC USE from 2008 to 2014

	2008	2009	2010	2011	2012	2013
Annual Total - Disposal Tons	180,321	114,384	114,531	114,601	96,363	100,000
Annual Total - ADC Tons	56,186	60,169	51,878	71,447	67,661	71,500
% ADC	31%	53%	45%	62%	70%	71.5%

Lost Fees above 16.7% - 145,763 tons total for 7 years, or only 20,823 tons per year. ADC overuse per JTD is 43,473 TPY average, or \$60,000 per year in lost IWMA fees, or \$426,000 over the last 7 year

L&D JTD dated November 2011 – 16.7% of the remaining permitted capacity will be occupied by daily and intermediate cover.

b. Daily and Intermediate Cover Requirements

The nominal ratio of daily cover depth to waste lift thickness is 1 foot. Approximately one sixth of the remaining gross airspace capacity or 715,000 cubic yards will be occupied by daily and intermediate cover.

CalRecycle ADC Report of 2014 – 20% to 25% soil cover to waste ratio – which includes all soils (daily, intermediate, and final) CIWMB from 2001-2003 determined landfills with over 20% ADC were abusing ADC

Investigation Methodology

SWES staff selected 15 facilities to investigate. The investigation included 13 facilities with the highest ratios of ADC used to waste disposed and two (2) facilities that had ratios in the “expected range” to help ensure the evaluation methodology was standardized. Staff used the “expected range” of *soil* cover to waste ratios recommended by the Solid Waste Association of North America, Inc. (SWANA). SWANA’s technical policy T- 9.2 2013 recommends a 20%-25% *soil* cover to waste ratio. The majority of the sites in the sample reported higher than an expected range of ADC used to waste disposed, the 15 facilities had ratios of ADC used to waste disposal from 494% to 16.7%.

21590. CIWMB--Joint Technical Document for Disposal Facilities. (new)

(6) Cover and Beneficial Use

(A) **Cover Materials**--Provide a plot plan identifying cover material quantities required from on-site sources, excavation sequence of the site and stockpile locations if stockpiled for a significant amount of time. Identify or describe off-site sources or types of cover materials needed for a five year duration if not included on plot plan.

(B) **Alternative Daily Cover and Beneficial Reuse**--Describe alternative daily cover and beneficial reuse waste types, processing methods, alternative processing or grain size specifications if applicable, operations methods, and applicable engineering, or other standard practices that will be used to ensure compliance with §§20690 and 20695. **Estimate the range in tons of these materials that are anticipated to be used, based on waste types, applicable cover to waste volume ratios, applicable density conversion factors, engineering specifications, methods to minimize contamination, or other pertinent information.** Materials accepted at the landfill to be used as alternative daily cover or for beneficial reuse shall be weighed upon receipt at landfills which have scales but need not be weighed again prior to placement at the landfill. Appropriate conversion factors for specific materials based on industry standards are acceptable for tracking materials received at landfills which do not have scales.

(C) **Cover Frequency**--State the cover frequency proposed or the alternative daily cover proposed for use in lieu of soil as daily cover. Provide information regarding compliance with §§20680 and 20695 if applicable.

(D) **Intermediate Cover**--Describe the operator’s methods for placing intermediate cover on all areas of the landfill which have not received waste for an 180 day or more time frame.

44009. (a) (1) The board shall, in writing, concur or object to the issuance, modification, or revision of any solid waste facilities permit within 60 days from the date of the board's receipt of any proposed solid waste facilities permit submitted under Section 44007 after consideration of the issues in this section.

(2) If the board determines that the permit is not consistent with the state minimum standards adopted pursuant to Section 43020, or is not consistent with Sections 43040, 43600, 44007, 44010, 44017, 44150, and 44152 or Division 31 (commencing with Section 50000), the board shall object to provisions of the permit and shall submit those objections to the local enforcement agency for its consideration.

(3) If the board fails to concur or object in writing within the 60-day period specified in paragraph (1), the board shall be deemed to have concurred in the issuance of the permit as submitted to it.

(b) Notwithstanding subdivision (a), the board is not required to concur in, or object to, and shall not be deemed to have concurred in, the issuance of a solid waste facilities permit for a disposal facility if the owner or operator is not in compliance with, as determined by the regional water board, an enforcement order issued pursuant to Chapter 5 (commencing with Section 13300) of Division 7 of the Water Code, or if all of the following conditions exist:

(1) Waste discharge requirements for the disposal facility issued by the applicable regional water board are pending review in a petition before the state water board.

(2) The petition for review of the waste discharge requirements includes a request for a stay of the waste discharge requirements.

(3) The state water board has not taken action on the stay request portion of the pending petition for review of waste discharge requirements.

(c) In objecting to the issuance, modification, or revision of any solid waste facilities permit pursuant to this section, the board shall, based on substantial evidence in the record as to the matter before the board, state its reasons for objecting. The board shall not object to the issuance, modification, or revision of any solid waste facilities permit unless the board finds that the permit is not consistent with the state minimum standards adopted pursuant to Section 43020, or is not consistent with Section 43040, 43600, 44007, 44010, 44017, 44150, or 44152 or Division 31 (commencing with Section 50000).

(d) Nothing in this section is intended to require that a solid waste facility obtain a waste discharge permit from a regional water board prior to obtaining a solid waste facilities permit.



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